

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 5359 of 2006

Date of Decision: 12.10.2006

Sanjay Kumar

...Petitioner

Vs.

Ramautar Singh Yadav & Ors.

...Respondents

CORAM Hon'ble Mr. Justice Vinod K. Sharma

Present: Mr. Sanjay Mittal, Advocate,
for the petitioner.

Vinod K. Sharma, J. (Oral)

Present revision petition has been filed against the order passed by the learned Civil Judge (Junior Division), Mahendergarh vide which defence of the petitioner was struck off for non-filing of the written statement within a period of 90 days.

The only reason for striking off defence is that as per the provisions of Order 8 Rule 1 of the Code of Civil Procedure it was incumbent upon the defendants to file written statement within a period of ninety days.

In view of the law laid down by the Hon'ble Supreme Court in **Shaikh Salim Haji Abdul Khayumsab Vs. Kumar and Company (2006-1) PLR 284** the impugned order cannot be sustained.

Accordingly the impugned order is set aside and the petitioner is granted one last opportunity to file his written statement on or before 19.10.2006 i.e. the date fixed before the Trial Court. In case written statement is filed on the said date the same be taken on record and matter be proceeded in accordance with law.

Orders dasti.

(Vinod K.Sharma)
Judge

12.10.2006
rp